

On motion of Mr Hill, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

Mr Taylor of Fannin, introduced (by leave) a bill for the relief of Thos. Ragsdale, et. al.; read first time.

On motion of Mr Taylor of Fannin, the rule was suspended; bill read second time, and referred to the committee on Finance, on motion of Mr Potter.

A bill authorizing the Comptroller to issue certain lost certificates of stock on certain conditions was taken up; read and ordered to be engrossed.

On motion of Mr Potter, the rule was suspended; bill read third time and passed.

On motion of Mr Taylor of Cass, the Senate adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

Senate met—roll called—quorum present.

The first reading of the bill to prescribe a code of civil procedure for the State of Texas was resumed.

On motion of Mr Potter, the Senate adjourned till to-morrow morning, 9 o'clock,

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WEDNESDAY, Dec. 12th, 1855.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Doane presented the petition of Joel L. Ankrum, referred to the committee on the Judiciary.

Mr Burroughs presented the petition of sundry citizens of the county of Newton, referred to the committee on Internal Improvements.

Mr Millican presented the petition of sundry members of the bar in the 13th Judicial District—referred to the committee on Judicial Districts.

Mr Maverick presented the petition of H. L. Upshur, referred to the committee on the Judiciary, and the petition of "B. W. Gillock"—referred to the committee on claims and accounts.

Mr Russell from the committee on engrossed bills reported "A bill to legalize certain surveys, lying between the waters of the Brazos and Colorado Rivers," and

"A bill to authorize the Comptroller to issue certain lost certificates of Stock on certain conditions"—correctly engrossed.

Mr Scott, chairman of the committee on Public Lands, to which was referred "A Bill to provide for the transfer of certain books, papers, archives and records from the adjutant General's office, to the General Land Office," reported the same back and recommended its passage.

Mr Scott, chairman of the same committee, to which was referred a bill to require the return of unconditional Headright certificates in certain cases, reported the same back with the following amendment, strike out in the 10th and 11th line of the bill, the words "and subject to relocation," and recommended the adoption of amendment, and the passage of the bill.

Mr Scott, from the same committee, to which was referred a bill for the relief of Jonas Green and Middleton Perry, reported "A Bill for the relief of persons who had legal files in the reserve of lands made by the act to provide for the construction of the Mississippi and Pacific Railroad" as a substitute therefor, and recommend its adoption and passage.

Mr Scott, chairman of the same committee, to which was referred a bill for the relief of Wm. Rawlins, reported a substitute therefor, and recommended its adoption and passage.

Mr Potter, chairman of the committee on the Judiciary, to which was referred a bill to incorporate the city of San Antonio, reported the same back with the following amendments: amend 1st by striking out "Sections 8 and 9" of the 7th article, being the two last sections of the bill, and amend 2d, by adding to the bill section 8th, "this act shall take effect and be in force from and after the first day of July 1856," and recommended the adoption of the amendments and the passage of the bill.

Mr Potter, chairman of the same committee, made the following report:

"The Judiciary committee have considered a resolution directing them to take into consideration the propriety of passing a law allowing open accounts to be proved before a Notary Public &c., and report by bill or otherwise, and the committee direct me to report that they are of the opinion, that the laws now in force furnish as convenient means as can be well, and at the same time safely devised, for taking the testimony of witnesses who reside out of the county in which a suit may be pending, where their evidence is to be used. If the witness resides in the State his evidence may be taken under a commission from either a district or Justices court, before either a chief Justice of a county, clerk of a District or county court, or a Notary Public, and if the witness, resides out of the State evidence may be taken in like manner before either a notary Public, or clerk of a court of Record within the State or county where the witness resides, or before a commissioner of the State of Texas for such state.—Hart. Dig. art. 726, 820, 1730 and 124; Thus under the present laws every facility is given for taking evidence, and proving open accounts or any other matters before Notaries Public, and full opportunity is also given for the examination

and cross examination of witnesses. If the object of the resolution be, as is supposed, to call for the report of a bill, under the provisions of which a party could by his own or other "ex-parte" affidavits, prove up his claim, then the committee have to say, that in their opinion such a course would be extremely unsafe and would not tend to promote the ends of justice. A fair and full cross examination of witnesses, either in open court or upon interrogatories is believed to be essential to the proper administration of Justice, and any plan which would do away with such examination would tend to the suppression of truth and be an inducement to perjury. The committee therefore direct me to return the resolution to the Senate and recommend that it be laid upon the table."

Mr Millican, chairman of the select committee, to inquire into and prescribe the duties of the various officers of the Senate &c., made the following report.

"The duties of the secretary shall be to exercise a supervisory care over all the secretaries and clerks of the Senate, and to keep a correct journal of the proceedings of the Senate and discharge the usual duties appertaining to his office generally, and make all contracts for stationary, lights, fuel, and such other incidental expenses; who shall on the last day of each week report the same in full with the other contingent expenses of the Senate for confirmation.

The duties of the Sergeant at arms, shall be, in addition to those assigned by the rules of the Senate, to receive and receipt for all printed documents that are furnished for the use of the Senate, and distribute the same among the members, and a general supervision over the mail department of the Senate, and also over the door-keepers and Porters of the Senate. The duties of the door-keeper shall be in addition to those assigned by the rules, to keep the door, announce all the messages to the Senate, and to permit no one to enter on the floor of the Senate chamber, except the members of the Legislature and the officers of the State and the two houses, unless by permission of the President or a Senator, to see to the cleaning of the Senate chamber, and its furniture, also to the making and extinguishing of fires, and providing lights and water for the use of the senate, attend to the receiving, preparing and forwarding the mail matter of the members of the Senate. The Asst. door-keeper shall aid the door-keeper in the discharge of his duties, and shall when required assist the Sergeant at arms. There shall be one Porter for the Senate who shall be employed by the secretary, whose compensation shall not exceed one dollar per day, whose duty it shall be to bring water make fires, and do such other things as may be assigned him by the door-keeper."

On motion of Mr Millican the rule was suspended, report taken up and adopted.

Mr Palmer introduced a bill for the relief of the Galveston and Red river Railway company, and supplemental to the several acts to incorporate said company, read first time.

On motion of Mr Palmer the rule was suspended, bill read 2d time and referred to the committee on Internal Improvements.

Mr Flanagan introduced a bill supplemental to an act to incorporate the Henderson and Burkville Railroad company, approved Jan'y 27 1854—read first time.

On motion of Mr Flanagan the rule was suspended, bill read 2d time and referred to the committee on Internal Improvements.

Mr Potter (by leave) presented the petition of L. M. Hitchcock, referred to the committee on Public debt; also the petition of Willard Richardson—referred to the committee on claims and accounts.

Mr Martin introduced a bill to amend an act for the relief of certain prisoners of war, passed Feb'y 9th 1850—read first time.

#### ORDERS OF THE DAY.

Report of the committee on public debt, on "a bill giving the assent of the State of Texas to 'an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September 9th 1850;' which was passed at the 2d session of the 33d Congress of the United States, and approved Feb. 28th 1855," reporting adversely thereto—was read.

Mr Palmer moved to postpone the consideration of the bill and report till the 1st Monday in January—lost.

On motion of Mr Potter the report and bill were made the special order for Wednesday next, 19th inst.

A bill to legalize certain surveys lying between the waters of the Colorado and Brazos rivers—read 3d time and passed.

A bill to authorize Glover Wells to construct a bridge across the East Fork of the Trinity river—read and ordered to be engrossed.

A bill to authorize William M. Lee and others to construct a bridge across the East Fork of the Trinity at or near Lee's Ferry—read and ordered to be engrossed.

Report of the committee on Roads, Bridges and Ferries, on a bill supplemental to an act authorizing and requiring the county courts to regulate roads, appoint overseers &c.—offering amendments thereto was read.

On motion of Mr Hill re-referred to the same committee.

Report of the Judiciary committee on a joint resolution proposing an amendment to the constitution, for the purpose of

giving the Legislature control of the School lands, recommending that the same be laid on the table—was read and adopted.

A bill for the relief of Ira B. Dement, read and ordered to be engrossed.

Mr Taylor of Cass, moved the appointment of a committee No. 2, on Private Land Claims, Mr Whitaker as chairman.

Messrs. Whitaker, Russell and Pirkey were appointed the committee.

A bill to restore lands sold for Taxes and purchased by the State, to the former owners, on certain conditions, read and ordered to be engrossed.

A bill for the relief of James Lamb, read and ordered to be engrossed.

A bill to change the names of Martha and John McDonald, to those of Martha McDodald Bateman and John McDonald Bateman, read and ordered to be engrossed.

A bill for the relief of the heirs of John Bailey, read and ordered to be engrossed.

A bill for the relief of Valentine T. Dalton, read and ordered to be engrossed.

Report of the committee on the Judiciary on a bill to reorganize the 8th Judicial District, and define the time of holding courts in the same, offering a substitute therefor—was read, substitute adopted and bill ordered to be engrossed.

On motion of Mr Pirkey the rule was suspended, bill read 3d time and passed.

A bill to amend the 1st section of an act for the relief of the citizens of Mercer's Colony, approved Feb'y 2, 1850; read.

Mr Martin offered a bill supplemental to an act for the relief of the citizens of Mercer's Colony, approved Feb'y 2, 1850, as a substitute—rejected.

On motion of Mr Martin the bill was then laid on the table.

Joint resolution proposing an amendment to the 7th section of the 4th art. of the constitution—read.

On motion of Mr Potter the resolution was laid on the table.

On motion of Mr McCulloch, a bill to make an appropriation for the payment of Volunteers, called into the service of the State of Texas, was taken up—read and passed to a 3d reading.

Mr Palmer moved a suspension of the rule for the final reading of the bill—lost.

Report of the committee on the Judiciary on the memorial of Wesley Kirkpatrick, recommending that it be laid on the table, was read and adopted.

A message was received from the House informing the Senate, that the House had passed a bill originating in the Senate, to

allow Clinton Thompson, a minor, to take possession and control of his estate, and to transact business as though he were of full age.

On motion of Mr Taylor of Fannin, the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

The Senate met—roll called—quorum present.

The first reading of the code of civil procedure was resumed.

On motion of Mr Palmer the Senate adjourned until to-morrow morning at 9 o'clock.

SENATE CHAMBER, }  
December 13th, 1855. }

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr Hill presented the petition of Thos. Bell, praying for land—referred to the committee on private land claims no 1.

Mr White presented the petition of Juan Delagado, for relief; referred to the committee on private land claims no. 2.

Mr Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred a bill for the relief of Stevenson Archer, have considered the bill and a majority of the committee have instructed me to return the same to the Senate with amendments and recommend its passage.

The bill is to pay Stevenson Archer, district surveyor of El Paso district, one hundred and fifty dollars, for making a map of his land district for the General Land office.

The amendment offered by the committee, is to allow John H. Cole a like sum for compiling a map of Dallas county, and for making connections from the Robertson and Nacagdoches land district.

The committee had before them the certificate of the Commissioner of the General land office, that the maps had been received and that the prices charged were reasonable.

Amend section 1st by inserting after "district:" "And that John H. Cole be allowed the sum of \$150, for making a map of Dallas county and connections with the Robertson and Nacagdoches land district."

In section 1st after "Archer," insert "John H. Cole,"—in caption, after "Archer," insert John H Cole.

Mr Taylor of Cass, made the following report:

The committee on public debt have considered the petition of Robt. Wilson.